

## REMARKS

### 35 U.S.C. § 103

The Final Office Action dated May 1, 2007 relies on five different references to form 11 distinct §103 rejections to reject the claims. The Assignee amends independent claim 1 to show that the controller is operable to recognize availability of the operator designated program and further operable to, in response to the availability of the operator designated program, generate a power control signal on a comparison output coupled to the selected program receiver tuner. Claim 1 is further amended to show that the monitoring receiver tuner is operable to automatically turn ON in response to the power control signal generated by the controller in response to the availability of the operator designated program. Independent claim 7, 13, 18, 22, 26, and 30 include analogous amendments to show that a first program receiver is operable to automatically turn ON when a second program receiver locates an operator designated program. The Specification supports these features at least at Paragraphs [046], [062], and [073].

These features allow a receiver with multiple tuners or receivers to search for an operator designated program even while the receiver is turned OFF and to automatically turn ON when the operator designated program is located. Where the receiver is used in the context of a radio, for example, the radio may be off for any number of reasons, such as where a user turns off the radio when he/she does not find any program they are interested in. However, the "automatic turn ON" feature enables the receiver to continue to search for an operator designated program and then automatically turn ON and begin outputting the operator designated program when such a program is located. In this example, a second program receiver may search for the operator designated program while a first program receiver is turned off, such as where the radio is not outputting an audio signal, and when the second program receiver locates the operator designated program, the first program receiver automatically turns ON.

Neither of the primary references cited in the office action, Miglioaccio or Cvetkovic, disclose locating an operator designated program with a second program receiver while a

first program receiver is turned OFF, and automatically turning ON the first program receiver when the operator designated program is located. The addition of any of the secondary references does not cure this deficiency. The office action relies on Bates to show an operator interface and relies on Seto to show program designation data comprising program selection count or program selection time. The office action relies on Ellis to show combining circuitry and generating an announcement signal. Accordingly, none of the cited references, taken alone or in the asserted combinations, teach or suggest locating an operator designated program with a second program receiver while a first program receiver is turned OFF, and automatically turning ON the first program receiver when the operator designated program is located.

Therefore, none of the asserted combinations teach the subject matter of claims 1-36 as amended in this proposed amendment. Assignee respectfully requests entry of the proposed amendments and withdrawal of the §103 rejections.

#### **Summary**

Alone or in the asserted combinations, the cited references fail to teach or suggest the claimed subject matter. Assignee therefore respectfully requests withdrawal of the rejections and allowance of the claims. Assignee invites the Examiner to contact the undersigned attorney via telephone if the examiner has any questions, comments, or concerns, or if a telephone conference would expedite examination of this application.

Respectfully submitted,

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